

1 **Camden County Planning Board**
2 **Minutes**
3 **January 21, 2009, 7:00pm**
4 Historic Courtroom
5 Camden County Courthouse Complex
6

7
8 Members Present: Chairman Rodney Needham, Absent: Vice Chairman
9 Fletcher Harris, Ray Albertson, Terri Griffin,
10 Calvin Leary, Michael Etheridge John Aydlett
11

12 **Call to Order & Welcome**
13

14 Chairman Rodney Needham called to order the January 21, 2009 meeting at 7:00 PM.
15

16 **Others Present at Meeting**
17

18 Present were staff members Dan Porter, Dave Parks, and Amy Barnett. Present to speak in
19 regards to the Stormwater Drainage Plan issue was Greg Johnson. Also present to speak in
20 regards to a rezoning request were Mike Perry, Mike Riggs, Debbie Heath, Gurnie Needham,
21 and Roy Heath.
22

23 **Consideration of Agenda**
24

25 Chairman Rodney Needham called for the consideration of the agenda. Calvin Leary made a
26 motion to approve the agenda. Michael Etheridge seconded the motion. The motion was
27 approved with Chairman Rodney Needham, Members Fletcher Harris, Ray Albertson, Calvin
28 Leary, and Michael Etheridge voting aye; None voting no; 2 absent; None not voting.
29

30 **Consideration of the Minutes- December 17, 2008**
31

32 Chairman Rodney Needham called for the consideration of the minutes from the December
33 17, 2008 meeting. Calvin Leary made a motion to approve the minutes from the December
34 17, 2008 meeting as written. Ray Albertson seconded the motion. The motion was approved
35 with Chairman Rodney Needham, Members Fletcher Harris, Ray Albertson, Calvin Leary,
36 and Michael Etheridge voting aye; None voting no; 2 absent; None not voting.
37

38 **Comments from the Public.**
39

40 None.

41 **Old Business**

42
43 ***Update on Surveyors' Issue: Stormwater Drainage Plans***

44
45 Dan Porter briefly reviewed the issue which was tabled from the last meeting. This issue
46 relates to whether or not the county will accept a surveyors seal on a stormwater drainage
47 plan, as well as a engineers plan. Currently the UDO says the county has to have on minor
48 subdivisions, a professional engineers seal on a stormwater plan. Surveyors also spoke with
49 regard to the reasons why they feel that their interpretation of the law, which is somewhat
50 gray in a few areas, is that they can do stormwater plans and seal them and that they are
51 acceptable. At that time the board had a discussion about it and they wanted more
52 information about it, Mr. Greg Johnson, the consultant for the County that reviews the
53 stormwater plans for major subdivisions, was asked to come and make a few comments
54 regarding this issue. Also, Mr. Johnson has been in contact with the Board of Examiners for
55 Engineers and Surveyors, and asked them to provide a formal opinion for the county. In
56 addition to this, Mr. Porter received a letter from the Board of Examiners regarding this
57 issue. At this time, Mr. Porter introduced Mr. Greg Johnson, who spoke very briefly about
58 this issue. Mr. Johnson indicated that he supported the statement of the Board of Examiners
59 that surveyors should be allowed to do the stormwater drainage plans as he/she is qualified
60 and licensed by the state to do so.

61
62 Chairman Needham stated an opinion that if the state mandates that one group is qualified to
63 do a certain thing, it is a little redundant for the county to change that, unless there is a valid
64 reason.

65
66 Mr. Dan Porter added that in talking with Mr. David Tuttle, Board Counsel for the Board of
67 Examiners, that there is still a gray area as to what constitutes "incidental to a subdivision"
68 and what types of storm water improvements should be designed by an engineer. So they
69 [the Board of Examiners] will continue to look into it.

70
71 Mr. Porter spoke of the possibility of having the surveyors or engineers sit with staff and
72 explain their calculations, so as to gain a better understanding of what's going on with any
73 given piece of property.

74
75 Mr. Porter also spoke about landscape architects as persons who also perform stormwater
76 drainage calculations for these plans, although they have to take extra classes to be qualified
77 to do this.

78
79 Chairman Needham asked if we needed to change the ordinance. Mr. Porter responded that
80 the only thing is that it puts the burden on staff to understand the plans better, no matter who
81 submits them to us. It does require a change to the text of the ordinance so it reads
82 "Engineers and Surveyors"... instead of just "Engineers" as it is now.

83
84 Michael Etheridge asked if staff could obtain an opinion from the Board of Examiners
85 regarding landscape architects and stormwater drainage in case it comes up. Mr. Porter
86 responded that staff can do that, but does not want to hold up the immediate issue.

87 At this time, Michael Etheridge made a motion to recommend a modification in the text of
88 the 151.400 section to include licensed surveyors, as well as licensed professional engineers,
89 to submit storm water drainage plans for minor subdivisions. Calvin Leary seconded the
90 motion. The motion was approved with Chairman Rodney Needham, Members Fletcher
91 Harris, Ray Albertson, Calvin Leary, and Michael Etheridge voting aye; None voting no; 2
92 absent; None not voting.

93
94 **New Business**

95
96 ***UDO 2009-01-03, Rezoning Request, Intersection South 343 & Wharf Road, NC to R-2***
97

98 Dan Porter gave a brief background on this issue. The properties involved are a subset of
99 properties that the Planning Board has looked at before. There was a request to rezone a
100 piece of property down in the Old Trap area from Neighborhood Commercial to Residential,
101 a request for a single lot for purposes of placing a single family dwelling on the lot. At the
102 time, staff suggested that all the properties in that area be included and one of the options
103 listed was that the zoning could be changed to mixed use (R4X), a zoning district which we
104 don't have - would have required a text amendment. This would have allowed both
105 commercial and residential uses in the same district. The public present at the Planning
106 Board meeting seemed to favor this option the most, and this option was recommended to the
107 Board of Commissioners along with a request to create the R4X zoning district. However, at
108 the commissioners meeting, the commissioners chose to rezone only two properties to
109 residential, and they did not do anything with the R4X zoning text amendment request.
110 Following the commissioners meeting, a couple of the commissioners asked if this could be
111 brought back to the Planning Board to rezone the rest of the properties to Residential with the
112 exception of 2 properties, which would be left as Neighborhood Commercial (NC).

113
114 At this time, Chairman Rodney Needham invited the public to speak in regards to this
115 rezoning.

116
117 Mr. Mike Perry spoke at this time, saying that the two properties they want to leave as NC,
118 were 1427 and 1431, which are the two corner lots on each side of Wharf Road. The
119 property owners have gotten together and decided among themselves that they did prefer the
120 properties be rezoned to R-2, with the exception of the 2 aforementioned properties. They
121 compiled a petition with all but one property owners signature on it in agreement with this.

122
123 Calvin Leary asked if this would be considered "spot zoning". Dan Porter replied that it may
124 be considered "reverse spot zoning". Those public persons present indicated a desire to have
125 the zoning revert to what it was before it was zoned to NC. They want it to go back to how it
126 was.

127
128 Chairman Needham asked if anyone else wanted to speak.

129 Mr. Mike Riggs spoke next. He wanted to know why the area was zoned commercial when
130 his fathers house has been there over 100 years and the area has always been residential in
131 his view. Dave Parks responded saying that they looked at zoning maps going back to 1999
132 and those maps showed the area as being commercial. Mr. Parks indicated that he did not
133 know what it was before then, but that he believed it to be a community core area. Mr. Riggs
134 indicated that when he moved into the area in the 1980's the area was Residential, and if it
135 was rezoned, he received no notification of any rezoning.

136
137 Ms. Debbie Heath spoke next also saying that she as well was never notified of any rezoning
138 in the area. She also wanted to know why she was never notified. She complained about the
139 process of having to jump though hoops to have things changed back to what they were.

140
141 At this time, Mr. Dan Porter stated the following:

142
143 "Planning Staff are bound by NC State Law to notify people. There is a specific process that we have
144 to follow which includes letters, posting of notices, and advertisements. I know since I've been here
145 in 2004, that process has been followed to the tee. There is a discussion with Dave [Parks] about
146 what happened in 2002 when there were several rezonings across the properties, the process that the
147 state requires was followed at that time, there is an affidavit in the County Commissioners minutes
148 that states that from the county manager that the process of notification was followed and I hate to be
149 combative about this, but, we are required by law to follow certain procedures and we follow those
150 procedures, what may have happened in the past, past commissions, Camden County going through a
151 transition from very no growth history to a history of paying attention to its land uses. And so, I think
152 that there probably have been cases in the past when people were notified and did not recognize that
153 they were being notified. The reason that I can tell, and I was not here at the time that the land use
154 plan was put together, but the land use plan for this area is that it be some type of commercial area to
155 serve the southern portion of the county. And granted it is not a highly developed area, but it is an
156 intersection that at one time in the past had a commercial business there, maybe more than one, it's 3
157 miles from Shiloh, which is the nearest zoned property for any kind of commercial business. And I
158 think the rationale behind making that decision to try and develop a commercial area is a valid
159 rationale. I don't discount whatsoever, and I respect all the people down there with regard to the uses
160 of their property, the recommendation that we made with regard to establishing an R4X zone, we've
161 had this discussion with regard to at least 2 other properties in the county, and it's been rejected. It
162 happens to be, what I think, is a reasonable solution to these areas that are transition that gives the
163 property owners the benefit of being able to maintain their uses, redevelop their uses, in pretty much
164 any manner that they want to. I'm not going to oppose the rezoning of this back to R-2, but I will say
165 that I think the rationale is there, while it does not exist in our zoning code, that we need to think
166 about some kind of mixed use area where these transitions are taking place, it even goes into the
167 principles of smart growth, that idea of mixing land uses so that you don't separate residences from
168 commercial areas when those types of commercial businesses may serve those residences, they are
169 next door neighbors. I'm not going to oppose this, but I will say that I think our recommendation is
170 that it is consistent with the land use plan for it to be some type of commercial area."

171
172 Chairman Needham again asked if anyone else wished to speak. Mr. Gurnie Needham
173 indicated a desire to speak. Mr. Gurnie Needham said he also never received any
174 notifications. He also made mention of the lot sizes of his properties as not being large
175 enough to place a business on. In his opinion, his properties have no commercial values so
176 he is asking the board to vote in favor of rezoning to R-2.

177 Mr. Roy Heath questioned how the area came to be zoned as commercial when it was not
178 commercial when he moved there in 2004. He voiced concerns regarding the limits placed
179 on property owners in NC zones, specifically home owners. He stated "It's my HOME, it's
180 not commercial!".

181
182 Mr. Mike Perry questioned how far back the county zoning maps go back. He asked if 1999
183 was as far back as the county maps went back. Dan Porter responded to this saying that this
184 was as far back as the county maps went back. Mr. Perry then asked if the county had a
185 practice of purging their old maps, what happened to the old maps?. Dan Porter answered
186 saying that he didn't know if it was a process of having been purged, but that he thinks they
187 were just gotten rid of. He further stated that it is a difficulty for Planning Staff, because
188 records were not very well kept, up until about 2002, and the maps that were from prior to
189 2002 are a little sketchy, but they do show that area as having been commercially zoned.
190 They are not signed official maps, but they are the best ones we can find.

191
192 Dan Porter then spoke of the 2002 county wide rezoning and the letters that were sent out to
193 all taxpayers of record. He mentioned an affidavit in the commissioners minutes signed by
194 the county manager. He also mentioned envelope stuffing of letters to all taxpayers in the
195 county saying that zoning changes were taking place, and for them to attend a meeting to see
196 what those changes were going to be. Mr. Porter said that the county encourages and
197 welcomes community involvement and participation in the planning and zoning processes
198 within the Camden County. The more community involvement and participation there is, the
199 better the decisions that are made.

200
201 Mr. Porter went on to say that staff are only required to post notifications that there is going
202 to be a public hearing, after the Board of Commissioners has set the hearing, and what date,
203 and this is after the Planning Board has met and made their recommendations to the Board of
204 Commissioners. All Planning Staff at this point is required to do is to advertise that there is
205 going to be a public hearing and to send letters on zoning issues. Planning Staff are trying to
206 go a few steps further than that by sending out notifications at the Planning Board stage,
207 which are not required.

208
209 At this time, Chairman Rodney Needham asked for a motion. Calvin Leary made a motion
210 to rezone those properties identified in the findings of facts, (with the exception of 1427 and
211 1431 South 343), to R-2, and add the following land-use consistency statement to accompany
212 this rezoning: "This decision is not consistent with the land use plan, however this is what
213 we [Planning Board] were requested to do by the Board of Commissioners." Fletcher Harris
214 seconded the motion. The motion was approved with Chairman Rodney Needham, Members
215 Fletcher Harris, Ray Albertson, Calvin Leary, and Michael Etheridge voting aye; None
216 voting no; 2 absent; None not voting.

217 **Further Discussions**

218
219 1. Following the vote of the preceding business item, a discussion regarding amending the
220 land use plan to reflect the area as residential with the exception of 1427 and 1431 South NC
221 Hwy 343 took place. All Planning Board members were in general agreement that this
222 should be recommended to the Board of Commissioners, however no vote took place on the
223 recommendation to amending the land use plan.
224

225 2. Chairman Rodney Needham wanted to know what about the R4X the Commissioners
226 don't like and what can possibly be changed to make it work. Density was mentioned as a
227 possible adverse issue that may be holding it back. Dave Parks mentioned that density is
228 partially dependant on what kind of infrastructure is in place in a given area, etc. So density
229 may be based on, for example the water and sewer aspect of an area.
230

231 3. Michael Etheridge and Dan Porter spoke regarding the Land Use Plan and Re-Zonings /
232 Spot-Zonings, and what do we do next time.
233

234 4. Dan Porter mentioned that Randell Woodruff has asked for suggestions for agenda items
235 for the upcoming Board of Commissioners retreat. Dan mentioned a possible agenda item
236 would be the R4X proposed zoning districts.
237

238 Chairman Rodney Needham indicated a strong desire to bring the R4X text amendment to
239 the Camden County Code of Ordinances back to the Board of Commissioners for their
240 reconsideration. Calvin Leary made a motion to that effect. Michael Etheridge seconded the
241 motion. The motion was approved with Chairman Rodney Needham, Members Fletcher
242 Harris, Ray Albertson, Calvin Leary, and Michael Etheridge voting aye; None voting no; 2
243 absent; None not voting.
244

245 **Information from Board and Staff**

246
247 None.
248

249 **Consider Date of Next Meeting – February 18, 2009**

250
251
252 **Adjournment**

253
254 At 8:05 PM, Ray Albertson made a motion to adjourn the meeting. Michael Etheridge
255 seconded the motion. The motion was approved with Chairman Rodney Needham, Members
256 Fletcher Harris, Ray Albertson, Calvin Leary, and Michael Etheridge voting aye; None
257 voting no; 2 absent; None not voting.
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260 Date: _____

261
262
263 Approved: _____
264 Chairman Rodney Needham
265
266

267 Attested: _____
268 Amy Barnett, Planning Clerk